

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-4223

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

REGINA COLEMAN,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Dennis W. Shedd, District Judge. (CR-01-363)

Submitted: February 10, 2003

Decided: February 20, 2003

Before WIDENER, WILLIAMS, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Marcia G. Shein, LAW OFFICE OF MARCIA G. SHEIN, P.C., Decatur, Georgia, for Appellant. Marshall Prince, OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Regina Coleman appeals her convictions and sentence pursuant to violations of 21 U.S.C. § 841(a)(1) (2000) and 18 U.S.C. §§ 922(g)(1) and 924(a) (2000). Coleman's counsel has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967). Although counsel states that there are no meritorious issues for appeal, she argues that the district court improperly used the minimum statutory sentence as the guideline sentence when determining a downward departure. Coleman did not file a pro se supplemental brief or move for an extension of time within the thirty day filing period. We deny Coleman's motion for a thirty day extension to file the supplemental brief. The United States has not filed a brief. In accordance with Anders, we have considered counsel's brief and have examined the entire record for meritorious issues. We find no error and affirm.

On appeal, Coleman's counsel argues the district court improperly used the statutory minimum term of imprisonment from which to depart downward. We find this issue is without merit. United States v. Pillow, 191 F.3d 403, 407-08 (4th Cir. 1999).

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm Coleman's convictions and sentence. Because this court requires that counsel inform her client, in writing, of her right to petition the Supreme Court of the United States for

further review we deny counsel's motion to withdraw. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED